

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In Re.

No. C 08-3835 MHP (pr)

ANTHONY R. TURNER,

ORDER OF TRANSFER

Petitioner.

Anthony R. Turner, an inmate at the Deuel Vocational Institute in San Joaquin County, filed this action to challenge his conviction in Yolo County Superior Court. Although he used the form for challenging a federal court conviction, see 28 U.S.C. § 2255, the text makes clear that Turner challenges a state court conviction rather than a federal court conviction. Both San Joaquin County (i.e., the county in which he is incarcerated) and Yolo County (i.e., the county in which the conviction occurred) lie within the venue of the Eastern District of California. Venue is proper in a habeas action in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, a petition challenging a conviction or sentence is preferably heard in the district of conviction. Habeas L.R. 2254-3(b). Because the conviction occurred in the Eastern District of California, pursuant to 28 U.S.C. § 1404(a) and Habeas L.R. 2254-3(b), and in the interest of justice, this action is TRANSFERRED to the United States District Court for the Eastern District of California. The clerk shall transfer this matter.

IT IS SO ORDERED.

DATED: September 2, 2008


Marilyn Hall Patel
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY R TURNER,
Plaintiff,

Case Number: CV08-03835 MHP

CERTIFICATE OF SERVICE

v.

USA et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 3, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Anthony R. Turner G-27511
Deuel Vocational Institution
P.O. Box 600
Tracy, CA 95378-0600

Dated: September 3, 2008

Richard W. Wieking, Clerk
By: Anthony Bowser, Deputy Clerk